

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.1539 of 2013

Mrs.Bharathi Milton

...Petitioner

-Vs-

1.The Presiding Officer,  
Principal Labour Court,  
Vellore District, Vellore.

2.The Management,  
Christian Medical College,  
IDA Scudder Road,  
Vellore - 632 004.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records from the file of the 1<sup>st</sup> respondent in C.P.No.171 of 2011 and quash its impugned order made therein dated 12.06.2012 inasmuch as the 1<sup>st</sup> respondent has dismissed the claim petition of the petitioner.

For Petitioner : Mr.K.M.Ramesh

For R2 : Mr.Shivathanu Mohan  
for M/s.S.Ramasubramaniam Associates

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. Claiming that the petitioner is entitled for monthly pension under the Staff Special Superannuation Benefit Scheme for Long-Term Service (SSSB Scheme), the petitioner had filed a claim petition in C.P.No.171 of 2011 under Section 33C(2) of the Industrial Disputes Act, 1947, claiming monthly pension for the period from August, 1996 to April, 2011. The said petition was rejected on 12.06.2012, which is under challenge in this writ petition.

3. While the petitioner claims that she is eligible for monthly pension under the SSSB Scheme, the learned counsel for the second respondent-management submits that the petitioner has not put in 20 years of service and even otherwise, the management is at liberty to disqualify an employee whose service of conduct has been unsatisfactory. It is his further submission that earlier when the petitioner had filed a computation petition in C.P.No.321 of 1996, claiming pension for the period from 01.03.1991 to July, 1996, the dispute came to be settled, in order to give a quietus to the claim of the petitioner and therefore, she is not now entitled for any amount towards monthly pension.

4. The scope for computing a claim under Section 33C(2) is very limited. Unless and until the amount claimed under the petition is capable of being computed in terms of money, the Labour Court would not be entitled to compute the same. However, if the claim itself is disputed by the management, the only recourse available to the workman would be to raise an Industrial Dispute for adjudication of her claim.

5. As such, I do not find any reason to interfere with the impugned order of the Labour Court. However, if the petitioner is of the view that she is entitled for her claim of monthly pension, after August, 1996, liberty is hereby granted to her to raise an Industrial Dispute in this regard.

6. With the above liberty, the Writ Petition stands dismissed. No costs.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Hvk  
To

The Presiding Officer,  
Principal Labour Court,  
Vellore District, Vellore.

+1cc to Mr.K.M.Ramesh, Advocate SR.No.16734  
+1cc to Mr.S.Ramasubramaniam, Advocate SR.No.16800

W.P.No.1539 of 2013

SKM(CO)  
GN(28/03/2022)